

IN THE UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD



06-04-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #39

AMERICAN FLANGE &
MANUFACTURING CO. INC.,)
)

Opposer,)
)

v.)
)

RIEKE CORPORATION,)
)

Applicant.)

Opposition No. 91153479

For Serial No.: 75/869,942

Opposition No. 91154680

For Serial No. 75/869,343

JOINT MOTION TO CONSOLIDATE

Opposer, American Flange & Manufacturing Co. Inc., and Applicant, Rieke Corporation, by and through their undersigned counsel, hereby jointly move to consolidate the above-captioned opposition proceedings. Consolidation is warranted here because the two marks at issue are similar, both comprising configurations of closures for steel drums. Accordingly, the factual and legal issues presented by the proceedings will be similar. Consolidation will therefore aid in conserving both the parties' and the Board's resources.

Opposer and Applicant also move that the Board adopt the Scheduling Order of Opposition No. 91154680 for the '343 Application in consolidating the proceedings. The parties are currently engaged in discovery but have not yet agreed on the proper scope of a protective order, and so there is still additional documentary evidence to be produced. The later schedule of Opposition No. 91154680 will allow the parties a better opportunity to complete discovery without any extension being necessary. In the alternative, should the Board decide that the Oppositions should not be consolidated, the parties jointly move that the dates in the Scheduling

Order for Opposition No. 91153479 be extended and modified to the dates in the Scheduling Order for Opposition No. 91154680.

For all the foregoing reasons, the parties request that the Board grant their Motion to Consolidate or in the alternative to modify the scheduled dates in Opposition No. 91153479 to the dates set forth in the Scheduling Order for Opposition No. 91154680. The parties are filing two originals of this joint motion, one for filing with each proceeding.

Respectfully submitted,

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Dated: June 4, 2003